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10 **UNITED STATES BANKRUPTCY COURT**
11 **EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION**

12 In re:
13 JOHN J. HARRIS & AMADA A. HARRIS
14 Debtors.

15 Case No: 08-21232-B-7
16 DCN: CJY-7
17 Chapter 7
18 Date: March 2, 2010
19 Time: 9:32 am
20 Place: 501 I Street, 7th Floor Courtroom 32,
21 Sacramento, CA

22 **MOTION TO COMPEL CHAPTER 7 TRUSTEE
23 TO ABANDON PROPERTY OF THE ESTATE**

24 **TO THE HONORABLE THOMAS C. HOLMAN, SUSAN SMITH/CHAPTER 7 TRUSTEE,
25 AND ALL OTHER INTERESTED PARTIES:**

26 The Debtors, JOHN AND AMADA HARRIS (“Debtors”) hereby move this Court for an
27 Order Granting Debtors’ MOTION TO COMPEL CHAPTER 7 TRUSTEE TO ABANDON
28 PROPERTY OF THE ESTATE based upon the following grounds:

- 29 1. Debtors originally filed a Chapter 13 case on February 1, 2008 and later converted to the
30 above-referenced Chapter 7 bankruptcy case, bearing the case number 08-21232-B-7 on
31 January 27, 2010.
- 32 2. Debtors own and operate a small day care named “De La Rosa Day Care.” A true and correct
33 copy of Schedule B of the Debtors’ Voluntary Petition is filed concurrently herewith as
34 Exhibit “A” and incorporated herein by reference. This business has no marketable value
35 outside the Debtors’ own efforts. The business is operated out of the debtors’ home and has

1 no assets of its own. This business is the Co-Debtor's main occupation at the present time.
2 The Debtors have invested substantial resources, time, and energy into this business and,
3 because of the investment, wish to keep operating at the present time. If the Debtors cease
4 operations, even for a short time, they will surely lose clientele, making it impossible to
5 reopen and maintain its required expenses.

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3. The day care business, listed herein and operated by the Debtors, has a liquidation value of approximately \$8,546.36, which is fully exempt under various sections of the California Code of Civil Procedure. A true and correct copy of Schedule C of the Debtors' Voluntary Petition is filed concurrently herewith as Exhibit "B" and incorporated herein by reference.
 4. The equity in Property is exempted pursuant to C.C.P. Sections 703.140(b)(3) as set forth in Debtors' Schedule C filed concurrently herewith in the List of Exhibits.
 5. As the Property is protected and exempted, it is of inconsequential value to the bankruptcy estate, and there is nothing for the Trustee to administer to unsecured creditors.

DATED: February 9, 2010

/s/ Christian J. Younger
Christian J. Younger
Attorney for Debtors